

IN THE SENATE

SENATE BILL NO. 1053

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-401B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATIONS FOR MOTOR VEHICLE REGISTRATION; AND AMENDING SECTION 49-504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATIONS FOR CERTIFICATE OF TITLE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-401B, Idaho Code, be, and the same is hereby amended to read as follows:

49-401B. APPLICATION FOR REGISTRATION – RECEIPT FOR FEE – RECORD OF APPLICANTS. (1) Application for the registration of a vehicle required to be registered under the provisions of section 49-401A, Idaho Code, shall be made to the assessor or the department as specified in that section, by the owner upon the appropriate form. Every application shall contain the owner's Idaho driver's license number, Idaho identification card number, or social security number. In the case of a business, the employer tax identification number is required. Every application shall also contain the owner's true and full legal name. In the event that the owner does not possess a social security number, Idaho driver's license number, or Idaho identification card number, the owner shall present written verification from the social security administration that the applicant has not been assigned a social security number. Such application must be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the type of fuel used, and the identification number. Upon registration of a new vehicle, the application shall also show the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain any other information as may be required by the department. The assessor shall issue to the applicant a receipt for any fee paid. Social security numbers collected shall not appear on certificates of registration, and all applications on file shall be exempt from disclosure, except as provided in sections 49-202, 49-203 and 49-203A, Idaho Code.

(2) The assessor shall record on a form prescribed and furnished by the department, the names of all owners of vehicles residing in the county who make application for registration, together with the amounts of the fees paid by such owners.

(3) When application for registration is made by any motor carrier, the assessor or the department shall require each such applicant to execute a certification of safety compliance.

(4) Vehicles registered under the proportional registration provisions of section 49-435, Idaho Code, shall be registered by the department.

(5) Every owner of a vehicle registered by a county assessor shall give his ~~principal physical domicile residence or domicile~~ address or the business' physical principal address to the assessor so that the proper county can be entered upon the registration. Failure to do so shall be unlawful. The department shall then attribute the registration, and all fees to

be apportioned to the highway distribution account, to the county of residence regardless of the county in which the registration occurred. Fees imposed under the provisions of sections 40-827 and 40-1416, Idaho Code, shall be separately identified and accounted for, and paid to the highway district for which collected. For the purposes of vehicle registration, a person is an actual and permanent resident of the county in which he has his principal residence or domicile. A principal residence or domicile shall not be a person's workplace, vacation, or part-time residence.

(6) A violation of the provisions of this section shall be an infraction.

SECTION 2. That Section 49-504, Idaho Code, be, and the same is hereby amended to read as follows:

49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES – PROCEDURE – IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be made upon a form furnished by the department and shall contain the owner's Idaho driver's license number, Idaho identification card number or social security number. In the case of a business, the employer tax identification number is required. Every application shall also contain the owner's true and full legal name. In the event that the owner does not possess a social security number, Idaho driver's license number, or Idaho identification card number, the owner shall present written verification from the social security administration that the applicant has not been assigned a social security number. The form must contain the owner's physical domicile address or in the case of a business, the business' physical address and any mailing address if different from the physical address. Such application must be signed by the owner and contain a full description of the vehicle including the make, identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and any other information as the department may require. The application shall be filed with the department, and if a certificate of title has previously been issued for that vehicle in this state, shall be accompanied by the certificate of title duly assigned, unless otherwise provided for in this chapter. The department may promulgate rules to provide for exceptions to the odometer requirement. Social security numbers collected shall not appear on certificates of title and all applications on file shall be exempt from disclosure, except as provided in section 49-202, 49-203 and 49-203A, Idaho Code.

(2) If a certificate of title has not previously been issued for the vehicle in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or a duly certified copy thereof, or by a certificate of title, bill of sale or other evidence of ownership required by the law of any other state from which the vehicle was brought into this state, and a vehicle identification number inspection completed by any city, county or state peace officer or other special agent authorized by the department.

(3) In the case of a new vehicle being titled for the first time, no certificate of title or registration shall be issued unless the application is indorsed by a franchised new vehicle dealer licensed to sell a new vehicle. Each application shall be accompanied by a manufacturer's certificate of origin or manufacturer's statement of origin executed by the manufacturer and delivered to his agent or his franchised vehicle dealer. The certificate or statement of origin shall be in a form prescribed by the board and shall contain the year of manufacture or the model year of the vehicle, the manufacturer's vehicle identification number, the name of the

1 manufacturer, the number of cylinders, a general description of the body, if any, and the type  
2 or model. Upon sale of a new vehicle, the manufacturer, his agent or franchised dealer shall  
3 execute and deliver to the purchaser an assignment of the certificate or statement, together with  
4 any lien or encumbrance to which the vehicle is subject.

5 (4) The department shall retain the evidence of title presented by the applicant and  
6 on which the certificate of title is issued. The department shall maintain an identification  
7 numbers index of registered vehicles, and upon receiving an application for a certificate of  
8 title, shall first check the identification number shown in the application against the index. The  
9 department, when satisfied that the applicant is the owner of the vehicle and that the application  
10 is in proper form, shall issue in the name of the owner of the vehicle a certificate of title  
11 bearing a title number, the date issued and a description of the vehicle as determined by the  
12 department, together with a statement of the owner's title and of all liens or encumbrances upon  
13 the vehicle, and whether possession is held by the owner under a lease, contract or conditional  
14 sale, or other like agreement.

15 (5) In all cases of transfer of vehicles the application for certificates of title shall be filed  
16 within thirty (30) calendar days after the delivery of the vehicles. Licensed dealers need not  
17 apply for certificate of title for vehicles in stock or when they are acquired for stock purposes.

18 (6) In the case of the sale of a vehicle by a dealer to a general purchaser or user, the  
19 certificate of title shall be obtained in the name of the purchaser by the dealer upon application  
20 signed by the purchaser. If a lien is to be recorded, the title documentation as required in this  
21 section shall be submitted to the department by the dealer or the lienholder upon application  
22 signed by the purchaser. A copy of this application shall be given to the purchaser to be  
23 used as a seventy-two (72) hour temporary permit. In all other cases the certificates shall  
24 be obtained by the purchaser and the seller's bill of sale shall serve as a seventy-two (72)  
25 hour permit. The seventy-two (72) hour time period for temporary permits shall be calculated  
26 excluding weekend days and legal holidays observed by the state of Idaho. This temporary  
27 permit allows operation of any noncommercial vehicle or unladen commercial vehicle or  
28 vehicle combination without license plates for the period of time specified in the permit. A  
29 laden commercial vehicle or vehicle combination may also operate without license plates for  
30 the period of time specified in the temporary permit provided that the owner or operator has  
31 also obtained a permit issued under the provisions of section 49-432, Idaho Code.

32 (7) If the vehicle has no identification number, then the department shall designate an  
33 identification number for that vehicle at the time of issuance of the certificate of title. The  
34 identification number shall be permanently affixed to or indented upon the frame of the vehicle  
35 and legibly maintained by the owner at all times while a certificate of title to the vehicle shall  
36 be issued and outstanding.